

Notice of Allowability

Application No.

10/698,038

Applicant(s)

REYNOLDS, DOUGLAS F.

Examiner

Roland G. Foster

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment, filed on 11/18/2004.
2. ☒ The allowed claim(s) is/are 1 and 2.
3. ☒ The drawings filed on 29 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1/29/04 | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Allowable Subject Matter

Claims 1 and 2 are allowed.

Examiner's Reasons for Allowance

The independent claim is directed to a personal interactive voice response ("IVR") system comprising an IVR server communicating personal IVR service node information in a network. Further, a plurality of personal IVR service node clients communicate data and personal IVR service node information with the IVR server. Each personal IVR service node client includes an application that operates in conjunction with the personal IVR service node to allow a subscriber to create and modify custom operational features of the personal IVR service node to be used when handling received calls. The personal IVR service nodes also have a client-server relationship with the IVR server. Finally, facilities communicate with the IVR server for managing transmission of the personal IVR service node information using a voice over Internet protocol ("VoIP") under control of the IVR server in response to personal IVR service node information communicated with a respective personal IVR service node client.

Certain limitations within the independent claim expressly and materially limit the scope of the claim. For example, the claim recites that "each personal IVR service node client" includes "an application operable...to allow a subscriber to create and modify custom operational features..." (emphasis added). Thus, a system comprising a personal IVR service that lacks the recited application would not read upon the claim, otherwise each personal IVR

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service node would not include the application contrary to the express claim language. Further, the application in each personal IVR service node must be "operable in conjunction with the personal IVR service node" and used "when handling received calls." Thus, a system comprising a personal IVR service node that handled outgoing calls instead of received calls would not read upon the claim. Further, the IVR server communicates with facilities for managing transmission of personal IVR service node information using VoIP protocol. Thus, using a non-VoIP protocol to transmit the personal IVR service node information, especially a protocol not suited to the transmissions of voice conversations over an IP network, would not read upon the claim. Finally, the management of personal IVR service node transmission occurs "under [the] control of the IVR server in response to personal IVR service node information communicated with a respective personal IVR service node client" (emphasis added). Thus, management of personal IVR service node transmissions that were not under the control of the IVR server or that were not in response to personal IVR service node information communicated with the respective client would not read on the claim.

The claims have also been amended by the applicant to recite "an IVR server" rather than a "plurality of IVR servers" as originally presented. The applicant stated that the amendment's purpose was to "better match the embodiment of Fig. 7" (page 4 of the amendment, filed on Nov. 18, 2004) (the "Amendment"). The embodiment of Fig. 7 appears to illustrate a single IVR server rather than plural IVR servers. Finally, applicant makes further arguments on pages 5 and 6 of the Amendment that the "highly-centralized structure, centered about the IVR sever" of the

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applicant's invention differentiates over U.S. Patent No. 6,701,366 ("Kallas"). Thus, the examiner reasonably interprets the term "an IVR server" to mean a single IVR server.

The closest prior art of record is U.S. Patent No. 6,701,366 ("Kallas"), as applied in the prior Office action rejection. Kallas fails to disclose the limitations "an IVR server" and "an application operable in conjunction with the personal IVR service node to allow a subscriber to create and modify custom operational features of the personal IVR service node to be used when handling received calls" as discussed by the applicant on pages 5 and 6 of the Amendment.

The remaining prior art of record fails to teach or fairly suggest the obviousness of substantially modifying Kallas in order to arrive at the claimed invention as materially and expressly limited in scope by the applicant (as discussed above).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

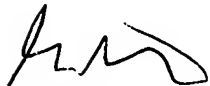
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roland G. Foster whose telephone number is (571) 272-7538. The examiner can normally be reached on Mon to Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roland G. Foster
Primary Patent Examiner
May 12, 2005